CITY COUNCIL ATLANTA, GEORGIA



A RESOLUTION BY

02- \mathcal{R} -1997

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED THREE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$103,500.00) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on _______, 2002 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT); and

WHEREAS, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (2nd Quarter 2002); and

WHEREAS, the total amount assessed and demanded by EPD and EPA for these violations is One Hundred Three Thousand Five Hundred and 00/100 (\$103,500.00) as set out in Exhibit "A" hereto; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these violations did occur; and

WHEREAS, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



-Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Fifty One Thousand Seven Hundred Fifty Dollars and 00/100 (\$51,750.00) payable to the State of Georgia and Fifty One Thousand Seven Hundred Fifty Dollars (\$51,750.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the First Amended Consent Decree; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy, aughin Johnson

ADOPTED by the Council APPROVED by the Mayor

Municipal Clerk, CMC

DEC 02, 2002 DEC 10, 2002

Exhibit A Summary of Penalty Demand

First Amended Consent Decree Violations 2 nd Quarter 2002	Amount
• 118 unpermitted discharges to waters of the State	
• 58 sewage overflows to dry land	
TOTAL DEMAND	\$103,500

Atlanta City Council

Regular Session

02-R-1997 Payment of \$103,500 to EPA & EPD for Stipulated Penalities per Consent Decree ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y	Smith	NV	Archibong	Y	Moore	NV	Mitchell
Y	Starnes	Y	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Boazman	NV	Woolard

□3rd □V Vote ØRC Vote FINAL COUNCIL ACTION MAYOR'S ACTION TC 0 2 2002 DEC 0 2 2002 CERTIFIED Readings □1st & 2nd □Consent □ □2nd Fav, Adv, Hold (see rev. side) Fav, Adv, Hold (see rev. side) Committee Committee Members Refer To Members Refer To Action: Chair Other: Chair Action: Date Date First Reading 200 Fav, Adv, Hold (see rev. side) Fav, Adv, Hold (see rev. side) 2002 Committee/ Committee Refer To Refer To Action: Date Other: Other: Date / Committee Date Referred to Chair Agency (EPA) and the Environmental Protection Division of the Departme (\$103,500.00) pursuant to the First of stipulated penalties imposed by To identify the source of funding; A Resolution to authorize payment of Natural Resources of the State (EPD) in the amount of Action File No. 1:98-CV-1956-TWT; COUNCIL ADOUTEN BY One Hundred Three Thousand Five DEC 0 2 2002 REGULAR REPORT REFER 12/2/03_ PERSONAL PAPER REFER - 11/18/62 Amended Consent Decree, Civil the Environmental Protection Crachitics Crachitics Hundred and 00/100 Dollars 9 0 1st ADOPT 2nd READ & REFER (Do Not Write Above This Line) A Resolution by City Utilities Committee -1997 and for other purposes. 2/02 Date Referred 11 1802 ADVERTISE & REFER CONSENT REFER Date Referred Date Referred of Georgia Referred To: Referred To: Referred To: